

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSAL REEFERS LTD.,

Plaintiff,

v.

DGM COMMODITIES  
a/k/a DGM COMMODITIES CORP.,

Defendant.  
-----X

08 CV 5500 (JGK)

**ORDER TO SHOW CAUSE  
WHY RULE B ATTACHMENT  
SHOULD NOT BE VACATED**

Upon the declarations of Mr. Nikolai Pirtskhalaishvili and Eugene J. O'Connor, Esq., the Exhibits annexed thereto, the accompanying Memorandum of Law and the pleadings and proceeding heretofore and had herein:

Let the Plaintiff Universal Reefers Ltd. (hereinafter "Universal Reefers") show cause before the Honorable John G. Koeltl, United States District Judge, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 12B, New York, New York 10007, pursuant to Supplemental Rule E for Certain Admiralty and Maritime Claims and Local Admiralty and Maritime Rule E.1, which provides for an adversary hearing on an attachment ~~within three (3) court days~~ <sup>2d</sup> on the ~~2d~~ day of July, 2008, at 10 o'clock a.m., or as soon thereafter as counsel can be heard, why the following relief should not be granted:

1. An **ORDER** vacating the Order for Process of Maritime Attachment and the resulting Process of Maritime Attachment and Garnishment on the basis that the attachment of Defendant DGM Commodities Corp.'s property is improper because DGM Commodities is subject to service of process and *in personam* jurisdiction in an adjacent district.

2. An **ORDER** for such other and further relief as the Court may deem just and proper under the circumstances of this case.

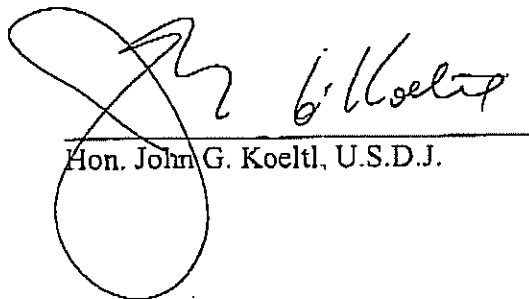
Let service of a copy of this Order and supporting Declarations, Exhibits and Memorandum of Law, if served upon Messrs. Freehill, Hogan & Mahar, LLP, 80 Pine Street, New York, N.Y. 10005-1759, attorneys for the Plaintiff, on or before 6 pm on June 30, 2008 by fax or E-mail, be deemed good and sufficient service;

Answering papers, if any, including, but not limited to, affidavits, affirmations, declarations, exhibits and/or memorandum of law, shall be served so as to be received by counsel for the movant, Messrs. Chalos, O'Connor & Duffy, LLP, at their offices at 366 Main Street, Port Washington, New York 11050, and the Court, by either fax or E-mail on or before the <sup>1<sup>st</sup></sup> ~~2<sup>nd</sup>~~ day of July, 2008 by <sup>3:00 P.M.</sup> ~~12 noon~~;

Reply papers, if any, on behalf of the movant shall be served by fax or E-mail so as to be received by counsel for the Plaintiff at their offices, and the Court, as described above, on or before the 6 pm on July <sup>1</sup>/<sub>4</sub>, 2008.

Dated: New York, New York  
June 30, 2008

SO ORDERED:

  
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Hon. John G. Koeltl, U.S.D.J.